

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA *

* Civil Action No. CCB-22-1603

v.

*

BOOZ ALLEN HAMILTON INC. ET AL.

*

ORDER

Oral argument was heard today on the defendants' motion to compel production of documents and interrogatory responses withheld on the basis of 50 U.S.C. § 3605. (ECF 117-1.) Section 3605 provides that: "nothing in...any other law...shall be construed to require the disclosure of the organization or any function of the National Security Agency, or any information with respect to the activities thereof, or of the names, titles, ...of the persons employed by such agency." 50 U.S.C. § 3605. Ordinarily applied in the FOIA context, this statute provides broad protection against disclosure of information related to the NSA. *See United States v. Drake*, 2011 WL 2175007, at *5 (D. Md. June 2, 2011).

The NSA has offered to provide defense counsel, orally, with the full names of NSA employees who may have authored documents or have relevant testimony in the case; they represented that § 3605 would not be asserted during depositions so long as there was an opportunity to seal portions of the transcript if needed; and DOJ counsel recently have committed to provide a log as to any portions of documents (other than names and titles) that have been withheld under § 3605. These are reasonable accommodations.

Accordingly, the motion to compel is Denied without prejudice at this time. The log is due September 2, 2022.

So Ordered this 30th day of August, 2022.

/s/

Catherine C. Blake

United States District Judge